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**IN THE COURT OF THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, BENGALURU SOUTH DISTRICT, SIT
AT KANAKAPURA.**

Dated this the 25th day of March 2026

Present

SRI. KUMAR.H.N., B.A.L., LL.B.,
II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

CRL.MISC.No.5053/2026

Petitioner :		Sri. Umesh.D.G S/o Gattigowda, Aged about 43 years, R/at Dimbadahalli Village, Alanatta Post, Kodihalli Hobli, Kanakapura Taluk, Bengaluru South District. (Accused No.4) (By Sri. S.Devadas, Advocate)
	V/s	
Respondent :		The State of Karnataka, By Kodihalli Police, Kanakapura taluk, Bengaluru South District. Rep. by Public Prosecutor, District court,

		Kanakapura. (By the Public Prosecutor)
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Orders on Application filed U/s 482 of BNSS-2023

1. The petitioner who is arraigned as Accused No.4 has filed this petition U/sec.482 of BNSS-2023, seeking anticipatory bail in Cr.No.05/2026 of Respondent Kodihalli Police Station for the offences punishable U/sec.4 and 3 of EXPLOSIVE SUBSTANCES ACT-1908 and U/sec.325 of BNS-2023.

2. Briefly stated the petition averments are to the following effect:

a) On the basis of the complaint given by ri. Kadashivanegowda, the respondent Kodihalli Police have registered the case in Cr.No.05/2026 against the petitioner for the offence punishable U/sec.4 and 3 of EXPLOSIVE SUBSTANCES ACT-1908 and U/sec.325 of BNS-2023.

b) In the petition averred that, on 08.01.2026 at about 6.10 am., the informant appeared before the respondent police and complains that, on 07.01.2026 at about 9.00 am., the informant and his wife had went to along with their live stocks to their land for grazing. Further it is also reveals

that, while the informant taking his live stocks to the water tank, at that time the informant had noticed blood stained cattle over his mouth and thereafter the informant ascertained that, some persons have put the explosive substances into the land of the informant, for hunting the wild bore and later the cattle accidentally had chewed the said explosive substances and lost its life. Hence the complaint.

c) The petitioner pleads that, he is quite innocent and unconcerned to the alleged incident and petitioner has not at all committed any offences what so ever, the respondent deliberately implicated the name of the petitioner. At the instance of the ill will of the inimical ill disposed people.

d) The petitioner is permanent resident address shown in the petition and coming from highly respectable family and never committed any offence as alleged by the prosecution. There is no any material to show the prima-facie case against the petitioner.

e) Further petitioner also submits that the petitioner is ready to abide all conditions that may be imposed by this court. In the event of granting the anticipatory bail. Further also undertake that ready and willing to assist the investigation officer if so required and prays for grant of anticipatory bail.

3. The learned public prosecutor filed objection along with IO report dated 13.03.2026 to following effect:

a) The petition is not at all maintainable and grounds urged at the seeking anticipatory bail are not tenable.

b) The Learned Public Prosecutor reiterated the facts of the case found in the complaint and FIR.

c) It is also specific contentions of the learned public prosecutor that, there may be every chance of indulging similar illegal activities. In the event of granting anticipatory bail, there is every like hood of petitioner threatening and tampering the prosecution witnesses and every chance of flee from the investigation and clutches

of the law and prays for the rejection of the petition.

4. Heard Arguments from both sides and perused the FIR, complaint and other materials placed on record.

5. Now the points that arise for my consideration as follows;

1.	Do the petitioner/accused No.4 has made out exceptional circumstances for grant of anticipatory bail in connection with Cr.No.05/2026 of Kodihalli police?
2.	What Order?

6. My answer to the above points are as under:

Point No.1 :	In the Affirmative.
Point No.2 :	As per final order for the following;

REASONS

7. **POINT No.1:-** Thus the petitioner is seeking anticipatory bail contending that a false case have been foisted against him.

8. On the other hand the prosecution has resisted bail petition on the ground that the charges leveled against the petitioner is very grave and his custodial presence is required for the investigation.

9. The material available on record it borne that, on 08.01.2026 at about 6.10 am., the informant appeared before the respondent police and complains that, on 07.01.2026 at about 9.00 am., the informant and his wife had went to along with their live stocks to their land for grazing. Further it is also reveals that, while the informant taking his live stocks to the water tank, at that time the informant had noticed blood stained cattle over his mouth and thereafter the informant ascertained that, some persons have put the explosive substances into the land of the informant, for hunting the wild bore and later the cattle accidentally had chewed the said explosive substances and lost its life. Upon first information provided by the informant the respondent police have registered the FIR against the petitioner in Cr.No.05/2026 for the offence punishable U/sec.4 and 3 of EXPLOSIVE SUBSTANCES ACT-1908 and U/sec.325 of BNS-2023. Under these circumstances the petitioner under reasonable apprehension of arrest from the respondent police filed the present petition for grant of anticipatory bail in connection with aforesaid case.

10. During the course of the counsel for the petitioner vehemently argued that, the complainant has filed the false and vexatious complaint against the petitioner. As such there is no any incident took place as alleged by the complainant in the

complaint. Further the petitioner is the bread earner and care taker of his family and also law abiding citizens. The petitioner coming from the respectable family and having no antecedents of any indulging any criminal activities and further the petitioner is ready to abide any conditions that may be imposed by the court while granting the anticipatory bail. Under these circumstances the counsel for the petitioner prays for anticipatory bail to the petitioner by exercising exceptional circumstances as laid down under section 482 of BNS-2023.

11. In contra the learned Public Prosecutor vehemently argued that the allegation leveled against the petitioner is very grave and non bailable in nature. The custodial presence is very much required for the purpose of investigation. The statement of the witnesses is yet to be recorded and investigation is under progress by posing afore said reason prays for reject the bail application.

12. It appears from hypothesis of the informant the informant has led to filing the complaint. As held by the Hon'ble Supreme court in the case of **Arnesh Kumar Vs. State of Bihar & Others (AIR 2014 SC 2756)** especially, when their custodial presence is not required for the purpose of investigation.

13. From considering the material available on record there is a prima-facie case made out by the petitioner to exercise the exceptional circumstances to grant the relief prayed in the application U/sec.482 of BNSS-2023. Considering the facts and circumstances of the case this court is incline to the grant the anticipatory bail to petitioner.

14. Taking into consideration these aspects, without expressing any merits of the case this court hold that petitioner is entitled for anticipatory bail and accordingly. Point No.(i) is answered in the **Affirmative**.

15. Point No.(ii): in view of my findings on point No.(i), this court proceed to pass the following;

ORDER

The bail petition filed by the petitioner/accused No.4 U/sec.482 of BNSS-2023, is hereby allowed.

In the event of his arrest, the petitioner shall be released on bail in Cr.No.05/2026 of Respondent Kodihalli Police with the following conditions;

1. The petitioner/accused No.4 shall execute personal bond for Rs.50,000/- with

one surety for like sum to the satisfaction of the court.

2. The petitioner/accused No.4 shall not threaten or tamper with the prosecution witness nor shall they abscond.

3. The petitioner/accused No.4 shall cooperate with the investigation.

4. The petitioner/accused No.4 shall not involve in any similar criminal activities. **(the condition No.4 is sine-qua-non of this order, in case the petitioner found in any criminal case, the police have liberty to move an application for cancellation bail in accordance with law).**

5. The petitioner/accused No.4 shall intimate change of their address, if any, either to the police concerned or court as the case may be.

6. The petitioner/accused No.4 shall mark his attendance before the respondent Kodihalli Police, on every alternative

Sunday commencing from 29.03.2026 to
17.05.2026 between 10.00 a.m. to 12.00 p.m
for a period of 08 weeks or till filing of the
final report, whichever is earlier.

(Typed to my dictation on computer by the Typist and print out taken by him,
then corrected and pronounced by me in the Open court on this the 25th day of
March 2026)

(KUMAR.H.N)

II Addl. District & Sessions Judge,
Bengaluru South District, sit at Kanakapura.

Order pronounced in open court
vide separate order

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